

AMENDMENTS TO THE DRAWINGS

The objections to the drawings are noted. One page of corrected drawings, labeled as "Replacement Sheet" is attached.

The Examiner correctly noted that there were two figures labeled as "Fig. 25a" in the present application. As such, the second "Fig. 25a", that is the one containing "Si", has now been renumbered to "Fig. 25b".

Applicants respectfully request approval of the attached Replacement Sheet containing newly labeled "Figure 25b".

REMARKS

Claims 1 - 4 stand rejected. Original claims 5 and 6 have been amended (i.e., the language of previous claim 5 and 6 has been amended due to the previous Restriction Requirement. Claim 1 has also been amended. New claims 7 - 24 have been added. One new replacement sheet of drawings is attached. The specification has been amended at pages, 112, 114 and 117. A new Abstract is attached.

Applicants appreciate the helpful suggestions of the Examiner pointing out informalities in the Specification, Drawings, Abstract and in Claim 1. All of the suggested amendments made by the Examiner have been incorporated.

Claim Rejections-35 USC §112

Claims 1 - 4 were rejected under §112, second paragraph. The suggestion of the Examiner has been incorporated at line 3 of Claim 1. Accordingly, this §112 rejection is now moot.

Double Patenting

I. Claims 1 - 4 were provisionally rejected over claims 1 - 26 of copending Application No. 10/203,797 (Brooks et al.). Applicants respectfully traverse this rejection. In this regard, all of the pending claims recite either directly or indirectly “conditioning”. This specific language is not disclosed or suggested in copending Application No. 10/203,797.

II. Claims 1-4 were also provisionally rejected on the grounds of obviousness-type double patenting over copending Application Nos. 10/507,659, 10/507,660 and 10/508,462.

Applicants appreciate the common subject matter disclosed in the identified copending applications. Applicants respectfully request the obvious-type double patenting rejection be held in abeyance until indication of allowable subject matter herein. Specifically, depending on the indication of allowable claims (and corresponding subject matter) herein, Applicants would consider the filing of an appropriate terminal disclaimer.

Claim Rejections-35 USC §102--Brooks

Claims 1 - 4 were rejected under 35 §102(b) as being anticipated by Brooks (US Patent No. 6,033,531). This rejection is respectfully traversed.

In particular, Brooks does not disclose the claimed “conditioning” energies. Accordingly, this rejection is respectfully requested to be withdrawn.

Claim Rejections-35 USC §102--Kawamura

Claims 1 - 4 were rejected under 35 §102(e) as being anticipated by Kawamura (US Patent No. 6,706,431 B2). Applicants respectfully traverse this rejection. Specifically, Kawamura does not contain any reference to "conditioning". Applicants direct the attention of the Examiner to the definition of "conditioning" which occurs on page 18, lines 16-19 (reproduced below for convenience).

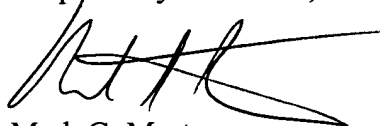
"Condition" or "conditioning", as used herein, means the application or exposure of a conditioning energy or combination of conditioning energies to at least one conditionable participant prior to the conditionable participant becoming involved (e.g., being placed into a cell reaction system and/or prior to being activated) in the cell reaction system."

Applicants emphasize the word "prior" in the definition. Thus, all elements of the claimed invention are NOT disclosed in Kawamura. Accordingly, this rejection should be withdrawn.

In view of the amendments to claims 1, 5 and 6, the addition of newly added claims 7 -24, correction of the: Specification informalities; Drawing informalities; Abstract and the above Remarks, Applicants respectfully request a Notice of Allowability directed to claims 1 - 24.

Should the Examiner have any questions regarding this communication, the Examiner is invited to telephone Applicants' undersigned representative.

Respectfully submitted,



Mark G. Mortenson
Reg. No. 31,182

December 15, 2006

The Law Offices of Mark G. Mortenson
Post Office Box 310
North East, MD 21901-0310
Telephone: 410-939-2343
Telefax: 410-939-2817